

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
5:21-CV-00004-RJC-DSC**

MARTHA MAE JOHNSON,)
)
 Plaintiff,)
)
 v.)
)
 MARTIN O'MALLEY,¹)
 Commissioner of Social Security,)
)
 Defendant.)

Order

THIS MATTER is before the Court on the Defendant's Consent Motion to Remand, (Doc. No. 24), and Joint Motion to Remand, (Doc. No. 25). Plaintiff filed an appeal from this Court's Order, (Doc. No. 17), which affirmed the administrative law judge's (ALJ) denial of Plaintiff's application for supplemental social security payments. The Fourth Circuit issued a decision and judgment, reversing and remanding the case for further proceedings before the ALJ. (Doc. No. 22).

The Commissioner filed a Motion for Remand, requesting that this Court remand this case under sentence four of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g). Accordingly, the Court hereby remands this case to the Commissioner under sentence four of 42 U.S.C. § 405(g) for further proceedings

¹ Martin O'Malley became the Commissioner of Social Security on December 20, 2023. Pursuant to Rule 43(c)(2) of the Federal Rules of Appellate Procedure, Martin O'Malley should be substituted for Kilolo Kijakazi as the defendant in this suit. No further action need be taken to continue this suit by reason of the last sentence of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g).

consistent with the Fourth Circuit's decision. *See Melkonyan v. Sullivan*, 501 U.S. 89, 98 (1991).

IT IS SO ORDERED.

Signed: April 9, 2024

A handwritten signature in black ink, reading "Robert J. Conrad, Jr.", written over a horizontal line.

Robert J. Conrad, Jr.
United States District Judge

